

1 ROBERT W. FERGUSON
Attorney General
2 NOAH GUZZO PURCELL, WSBA #43492
Solicitor General
3 KRISTIN BENESKI, WSBA #45478
First Assistant Attorney General
4 COLLEEN M. MELODY, WSBA #42275
Civil Rights Division Chief
5 ANDREW R.W. HUGHES, WSBA #49515
LAURYN K. FRAAS, WSBA #53238
6 Assistant Attorneys General
TERA M. HEINTZ, WSBA #54921
7 Deputy Solicitor General
800 Fifth Avenue, Suite 2000
8 Seattle, WA 98104-3188
(206) 464-7744
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10 **UNITED STATES DISTRICT COURT**
11 **EASTERN DISTRICT OF WASHINGTON**

12 STATE OF WASHINGTON, et al.,

13 Plaintiffs,

14 v.

15 UNITED STATES FOOD AND
DRUG ADMINISTRATION, et al.,

16 Defendants.
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NO. 1:23-cv-03026-TOR

SECOND DECLARATION OF
KRISTIN BENESKI IN SUPPORT
OF PLAINTIFF STATES'
MOTION TO SUPPLEMENT THE
ADMINISTRATIVE RECORD

02/20/2024
Without Oral Argument

SECOND DECLARATION OF
KRISTIN BENESKI

ATTORNEY GENERAL OF WASHINGTON
Complex Litigation Division
800 Fifth Avenue, Suite 2000
Seattle, WA 98104-3188
(206) 464-7744

1 I, Kristin Beneski, declare as follows:

2 1. I am over the age of 18 and have personal knowledge of all the facts
3 stated herein.

4 2. I am the First Assistant Attorney General at the Washington State
5 Attorney General's Office, which represents the State of Washington in this matter.

6 3. My first Declaration in Support of Plaintiff States' Motion to
7 Supplement the Administrative Record, with its Exhibit A, was filed at
8 ECF No. 136.

9 4. Attached hereto as **Exhibit B** is a true and correct copy of a portion
10 of the produced administrative record in this matter bearing Bates numbers
11 FDA 1254-1262. The same document was previously filed in this matter at
12 ECF No. 1-9.

13 5. Attached hereto as **Exhibit C** is a true and correct copy of a Turnaway
14 Study report by the Reproductive Health Technologies Project entitled *Two Sides*
15 *of the Same Coin: Integrating Economic and Reproductive Justice*, which is cited
16 in footnote 12 of Exhibit B. I obtained this document by entering the URL in
17 footnote 12 into the Wayback Machine Internet Archive (<https://web.archive.org/>)
18 and downloading the snapshot of that URL that was captured on December 31,
19 2015 (i.e., the last snapshot captured prior to January 6, 2016, the date indicated in
20 footnote 12 when the URL was accessed by the author). Exhibit C can be accessed
21 at: [https://web.archive.org/web/20151231035023/http://rhttp.org/abortion/docume](https://web.archive.org/web/20151231035023/http://rhttp.org/abortion/documents/TwoSidesSameCoinReport.pdf)
22 [nts/TwoSidesSameCoinReport.pdf](https://web.archive.org/web/20151231035023/http://rhttp.org/abortion/documents/TwoSidesSameCoinReport.pdf).

1 I declare under penalty of perjury under the laws of the State of Washington
2 and the United States of America that the foregoing is true and correct.

3 DATED this 9th day of February, 2024, at Seattle, Washington.

4 /s/ Kristin Beneski

5 KRISTIN BENESKI, WSBA #45478
6 First Assistant Attorney General
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CERTIFICATE OF SERVICE

I hereby certify that on February 9th, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System, which in turn automatically generated a Notice of Electronic Filing (NEF) to all parties in the case who are registered users of the CM/ECF system. The NEF for the foregoing specifically identifies recipients of electronic notice.

DATED this 9th day of February, 2024, at Seattle, Washington.

/s/ Kristin Beneski

KRISTIN BENESKI, WSBA #45478

First Assistant Attorney General